



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
333 LAS VEGAS BLVD SO
LAS VEGAS N.V. 89101

CASE # 208-CV-00288-PMP-GWF

Judge Philip M. Pro

MOTION FOR A INSTANT REVIEW

Comes now the Plaintiff who is a pauper respectfully ask the court for instant review of this case before the court. The Plaintiff have exhausted all my finances. its been 7 months. The defendant didn't contest this complaint. for this reason i ask for a fast and speed review. 6-2-08 was 60 days the defendant had to answer.

Johnny Lee Wicks
571 305TH 50
LAS VEGAS N.V.
89101

I hereby certify that a copy of the foregoing document was mailed to SSA SUITE 150
1250 Buffalo Dr Las Vegas NV 89119

UNITED STATE DISTRICT COURT
DISTRICT OF NEVADA
333 LAS VEGAS BLVD SO.
LAS VEGAS N.V. 89101
Judge Philip M. PRO

Judge Foley ordered The Clerk of The Court To issue
Summons To The United State Attorney Office For
delivery To The U.S. Marshal For service. This Wasn't
A Request. Now *7 Months Later Assistant Attorney
Gonzalez say none of This happen. Then Came The
Opposition To The Motion For default For Proof of

Service. Assistant Gonzalez said The files discloses
That no Summons had been issued. No Complaint has
been service on Any defendant. Judge Foley ordered
it And There are Tracking Number To Social
Security. And United States Attorney General. I Will
Send you Copy. (3) Office Manager AT SSA D. Molina
Talks About The Complaint in A Notice 7-29-08 Also
The Notice 6-4-08 Admits The Reduction were
incorrect. I am sending Copy. Judge-Clerk-Court
Deputy are prohibited from giving Legal Advice.

This Rule should be for defendant To. if you look at
The dates. And what she said. D. Molina in the notice.
She knew he was going To oppose This Motion.

Justice Delayed is Justice Denied ASSISTANT ATTORNEY
Gonzalez opposition To This motion was very inappropriate
and Violation of Federal Rules Civil Procedure Wrongs
Which Amount To The denial of Federal Constitutional
Right by a persons Acting under Color of STATE LAW.

And Laws of The United STATE This Violation was committed
While performing The Job of ASSISTANT ATTORNEY of
~~THE~~ STATE of Nevada, in United States District Court. There
was also wrong doing in The Clerk office i have notice
To show These Acts To Delay And keep This Case From
Court. This Complaint was UNCONTESTED by S.S.A.

* What makes This so inappropriate is The fact
That ATTORNEY Gonzalez knows That All defendant
Were Service. This maybe A CRIMINAL ACT making
false STATEMENT.

I hereby Certify That A copy of The
foregoing document was mailed To S.S.A.
Suite 150 1250 Buffalo Dr Las Vegas
NV. 89117

Judge Foley gave me 20 day To file A notice with
The Court identifying which defendant has
been Service. They all have been Service how
Can it be identified.

Social Security Administration
Supplemental Security Income
Notice of Reconsideration

7-31-08

SOCIAL SECURITY
1250 S BUFFALO DR
SUITE 150
LAS VEGAS, NV 89117
Claim Number: 428-84-2574
July 29, 2008
S18

JOHNNY L. WICKS
570 30TH ST
APT 50
LAS VEGAS, NV 89101-0000

Dear JOHNNY WICKS

Reconsideration
Filed: January 25,
2008

As you have requested, we have reviewed our decision concerning you request for reconsideration. Your request is denied. The basis for this decision is that you moved from the state of California, which pays a state supplement, to the state of Nevada, which does not. This policy is not a violation of your civil rights or race discrimination. However, it is found to defeat the purpose of Title XVI of the SSA act and the overpayment is waived.

If You Disagree With The Decision

If you disagree with this decision, you have the right to request a hearing. A person who has not seen your case before will look at it. That person is an Administrative Law Judge (ALJ). The ALJ will review your case again and look at any new facts you have before deciding your case.

- You have 60 days to ask for a hearing.
- The 60 days start the day after you receive this letter. We assume you got this letter 5 days after the date on it unless you show us that you did not get it within the 5-day period.
- You must have a good reason if you wait more than 60 days to ask for a hearing.
- You have to ask for a hearing in writing. We will ask you to sign a form HA-501-U5, called "Request for Hearing." Contact one of our offices if you want help.

Please read the enclosed pamphlet, "Your Right to an Administrative Law Judge Hearing and Appeals Council Review of Your Social Security Case." It contains more information about the hearing.

Proof of Service

See Next Page

06/04/2008

Case # 208-CV-00288-PMP-GWF

Information About Your Back Payments

- We looked at the money amounts we paid you and the money amounts we should have paid you for each month listed below in determining your back payment of \$127.40. The following chart shows the incorrect amounts paid and the correct amounts for those months. We added all of the incorrect money amounts. Then we added all of the correct money amounts we should pay. We subtracted the total incorrect money amount from the total correct money amount to get the total back payment.

Month	Amount Paid	Correct Amount
May 2008	\$64.30	\$128.00
June 2008	64.30	128.00
Total	\$128.60	\$256.00

- We are sending you a Supplemental Security Income check for \$127.40 in June 2008. We will not count the part of this money which was due for back payments as your resource for 9 months. If the money is not spent before April 1, 2009, we will count any money left over as part of your resources. But things bought with this money may count as resources the month after they are bought. Your Social Security office can tell you which things count as resources. You cannot get SSI if the resources we count have a value of more than \$2,000.

Our Decision On Your Waiver Request

We previously notified you about a \$317.00 overpayment and you requested that we not require repayment of this amount. We considered the information you gave us and have determined that you will not have to pay this money back.

You Can Review The Information in Your Case

The decisions in this letter are based on the law. You have a right to review and get copies of the information in our records that we used to make the decisions explained in this letter. You also have a right to review and copy the laws, regulations and policy statements used in deciding your case. To do so, please contact us. Our telephone number and address are shown under the heading "If You Have Any Questions."

Things To Remember

This decision refers only to your claim for Supplemental Security Income payments.

PROOF OF SERVICE

I, CARLOS A. GONZALEZ, AUSA, certify that I caused the following individuals to be served on this date by the below identified method of service:

Federal Express

Johnny Lee Wicks
571 30th Street #50
Las Vegas, NV 89101

DATED this 30th day of July, 2008.

/s/ Carlos A. Gonzalez
CARLOS A. GONZALEZ
Assistant United States Attorney

1 The file discloses that no summons had been issued to the
2 United States Attorneys office nor the US Attorney Generals
3 Office.

4 There is no evidence in the file to establish that returns
5 of service had been received for service of summons and complaint
6 on any defendant.

7 Undersigned government counsel contacted the appropriate
8 offices to verify service on all defendants and received a
9 negative response. No service has been effected on defendants.

10 Pursuant to Rule 12(b)(5) the Court lacks jurisdiction over
11 the instant civil action due to insufficient service of process.

12
13 DATED this 30th day of July, 2008.

14 Respectfully submitted,

15 GREGORY A. BROWER
16 United States Attorney

17 /s/ Carlos A. Gonzalez
18 Carlos A. Gonzalez
Assistant United States Attorney

		on 4/1/08. (Copies have been distributed pursuant to the NEF - ASB) Added Attorney General Tracking Number on 4/2/2008. (ASB) (Entered: 04/02/2008)
04/02/2008	<u>4</u>	SUMMONS Issued as to Social Security Administration, U.S. Attorney and U.S. Attorney General. (ASB) (Entered: 04/02/2008)
04/08/2008	<u>5</u>	NOTE: Certified Mail Receipt to Social Security Administration, #70062760000201940558 (ES) (Entered: 04/08/2008)
04/08/2008	<u>6</u>	NOTE: Certified Mail Receipt to Attorney General of the United States #70051820000655066090 (ES) (Entered: 04/08/2008)
<u>04/11/2008</u>	<u>7</u>	Mail Returned as Undeliverable re <u>2</u> Order on Motion/Application to Proceed in forma pauperis,, addressed to Johnny Lee Wicks. (no current address, did not forward.) (OXC) (Entered: 04/14/2008)

United States District Court
 District of Nevada (Las Vegas)
CIVIL DOCKET FOR CASE #: 2:08-cv-00288-PMP-GWF
 Internal Use Only

Wicks v. Social Security Administration
 Assigned to: Judge Philip M. Pro
 Referred to: Magistrate Judge George W Foley, Jr
 Cause: 42:206 Social Security Benefits

Date Filed: 04/02/2008
 Jury Demand: None
 Nature of Suit: 890 Other Statutory
 Actions
 Jurisdiction: Federal Question

Plaintiff

Johnny Lee Wicks
 Regional Commissioner

represented by **Johnny Lee Wicks**
 571 N. 30th Street
 #50
 Las Vegas, Nv 89101
 909-709-7862
 PRO SE

V.

Defendant

Social Security Administration

Date Filed	#	Docket Text
03/07/2008		Case assigned to Judge Philip M. Pro and Magistrate Judge George W Foley, Jr. (JAG) (Entered: 03/07/2008)
03/07/2008	<u>1</u>	MOTION/APPLICATION for Leave to Proceed in forma pauperis by Plaintiff Johnny Lee Wicks. Motion ripe 3/7/2008. (Attachments: # <u>1</u> Complaint)(ASB) (Entered: 03/10/2008)
04/01/2008	<u>3</u>	COMPLAINT against Social Security Administration filed by Johnny Lee Wicks.(ASB) (Entered: 04/02/2008)
04/02/2008	<u>2</u>	ORDER granting <u>1</u> Motion/Application for Leave to Proceed in forma pauperis. Copy of Summons, Complaint, & this Order mailed to Commissioner of the Social Security Administration via Certified Mail. Tracking Number: 7006 2760 0002 0194 0558. Copy of Summons, Complaint, & this Order mailed to Attorney General of the United States via Certified Mail. Tracking Number: 7005 1820 0006 5506 6090. Clerk shall issue summons. Defendants have 60 days from the date of service to answer or respond to the Complaint. Clerk shall file the complaint. Signed by Magistrate Judge George W Foley, Jr

Proof of Service

UNITED STATES DISTRICT COURT

District of _____

Johnny Lee Wicks,
Plaintiff,

SUMMONS IN A CIVIL ACTION

V.
Social Security Administration,
Defendants,

CASE NUMBER: 2:08-CV-00288-PMP-GWF

TO: (Name and address of Defendant)

Social Security Administration

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Johnny Lee Wicks
571 N. 3rd Street
#50
Las Vegas, Nv 89101

Wrong Address

an answer to the complaint which is served on you with this summons, within 60 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.



/s/ Lance S. Wilson

CLERK

DATE

4/2/2008

/s/ Aaron Blazeovich

(By) DEPUTY CLERK